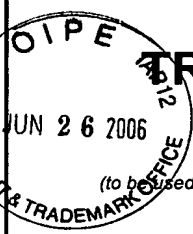


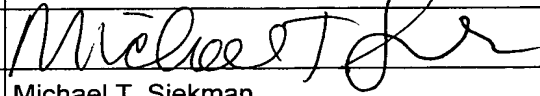
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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|---|---|------------------------|-----------------------|
|  <h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p> | | Application Number | 09/175683-Conf. #7184 |
| | | Filing Date | October 20, 1998 |
| | | First Named Inventor | Li-How Chen |
| | | Art Unit | 1635 |
| | | Examiner Name | R. A. Schnizer |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | G0744.70037US02 |

ENCLOSURES (Check all that apply)

| | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Reconsideration of Holding of Abandonment Return Receipt Postcard |
| <div style="border: 1px solid black; padding: 5px; width: fit-content;">Remarks</div> | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | WOLF, GREENFIELD & SACKS, P.C. | | |
| Signature |  | | |
| Printed name | Michael T. Siekman | | |
| Date | June 26, 2006 | Reg. No. | 36,276 |

Express Mail Label No. EV743570905US

Certificate of Express Mailing Under 37 CFR 1.10

Dated: June 26, 2006

JUN 27 2006

Mac Zwa



Docket No.: G0744.70037US02
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Li-How Chen et al.
Serial No.: 09/175683
Confirmation No.: 7184
Filed: October 20, 1998
For: NOVEL MODIFIED MSP-1 NUCLEIC ACID SEQUENCES AND
METHODS FOR INCREASING MRNA LEVELS AND PROTEIN
EXPRESSION IN CELL SYSTEMS
Examiner: R. A. Schnizer
Art Unit: 1635

Express Mail Label No. EV743570905US

Certificate of Express Mail Under 37 CFR 1.10

Dated: *June 26, 2006*

REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed May 26, 2006, Applicants request reconsideration under MPEP § 711.03 of the holding of abandonment. The Notice indicates in item 3 that the application became abandoned because proposed corrected drawings were received on July 22, 2005, after the period for reply set forth in Notice Regarding Drawings.¹ Applicants, however, filed a Petition to address the late-filed drawings. The Petitions Office has not yet acted on that Petition. In light of the pending Petition, Applicants respectfully submit that the Notice of Abandonment is improper.

Applicants paid the Issue Fee on January 21, 2005. The PTO subsequently mailed a Notice Regarding Drawings on April 6, 2005. The Notice set a two-month period for reply.

¹ The Notice of Abandonment actually refers to this date as having been set by the Notice of Allowability. However, the PTO did not inform Applicants of the apparent drawing errors until the Notice Regarding Drawings.

Applicants did not file proposed corrected drawings until June 22, 2005, at which time Applicants also filed a Petition to Revive to allow acceptance of the late corrected drawings. The PTO dismissed that Petition on July 18, 2005 on the ground that the corrected drawings were still not in compliance.

After a conversation with the Draftsperson, Applicants filed a Renewed Petition for Revival on July 22, 2005, along with further corrected drawings. That Petition also was dismissed on September 20, 2005 because the drawings were noncompliant for a different reason.

After a further conversation with the Draftsperson, Applicants filed a second Renewed Petition for Revival on September 27, 2005, along with further corrected drawings. The PTO has not acted on the second Renewed Petition for Revival, despite a Status Inquiry filed February 13, 2006. Accordingly, the Notice of Abandonment is premature.

Applicants' representative has attempted to contact the Petitions Attorney handling the pending Petition but has been unsuccessful. Applicants respectfully request that the PTO timely consider the Petition filed on September 27, 2005. If the Petitions Attorney has any questions or requires any further information, she is invited to call the undersigned to resolve this matter expeditiously. Applicants paid the Issue Fee for this application on January 21, 2005—almost one and one-half years ago—and wish to expedite its issuance.

Dated: June 26, 2006

Respectfully submitted,

By 

Michael T. Siekman

Registration No.: 36,276

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

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